

REMARKS

In response to the Office Action dated June 3, 2008, applicant submits the following remarks. No changes have been made to the claims.

Section 103 Rejections

Claims 1-2, 4-13 and 15-33 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over unpatentable over Microsoft Excel 2000, copyright 1999 Microsoft Corporation, hereafter known as "Excel", as evidenced by Blattner, "Special Edition Using Microsoft Excel 2000", published by Que Corporation 1999, previously presented as "Blattner", and Bott, "Special Edition Using Microsoft Office 2000", published by Que Corporation 1999, previously presented as "Bott", in further view of Oran et al. (US 5,757,371), previously presented as "Oran".

Claim 1

Claim 1 recites in part, the button having a button presentation and a set of button constraints, the button constraints including a range of button heights and a range of button widths. The Office believes this feature of claim 1 to be disclosed in Fig. 2.9 of Bott, which is reproduced below:

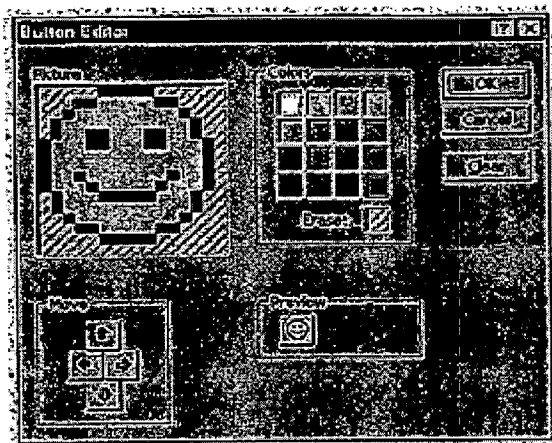


Figure 2.9
Use Office 2000's icon editor to create images for use on toolbar buttons. Each image is limited to this palette of colors and a total size of 32 pixels square.

The relied upon portion of Bott merely disclose a simple icon editor that allows creation of button icons. Nowhere in the relied upon portion does Bott disclose that the icon editor creates button constraints, much less button constraints that include a range of button heights and a range of button widths. In contrast, the icon editor in Bott allows users to interactively create icons that are fixed in size: 32 x 32 pixels. The relied upon portions of the remaining art of record fail to remedy this deficiency in Bott. Accordingly, claim 1 and its dependents are in condition for allowance. Claims 8, 13, 19, 24 and 29, and their dependents, are in condition for allowance for at least the same reason.

Conclusion

By responding in the foregoing remarks only to particular positions taken by the examiner, the Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: September 3, 2008_____

/Daniel J. Burns/_____
Daniel J. Burns
Reg. No. 50,222

Customer No. 21876
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071